

THE
C A S E

OF

518. R. 5
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Mr. *Richard Holoway*,

One of the

BURGESSES

Inhabiting the Town of

CHRISTCHURCH,

IN THE

County of *Southampton*.

Offered to the Consideration of
the Burgesses and Freeholders of
HAMPSHIRE.

THE

CASE

OF

Mr. Richard H. H. H.

One of the

BURGESS

including that of

CHRIST CHURCH

IN THE

Court of Sessions

of the County of

London

Printed by



T H E
C A S E
O F

Mr. Richard Holoway, &c.

G E N T L E M E N,



Y late Imprisonment for Purposes that will appear very plain to you by the Affidavits hereunto annexed, was an Attempt in its own Nature so barbarous, and in its Effects so destructive to all our civil Rights, that I look on it my Duty to make it thus publick. *However Great* the Authors of this Fact may be, they ought to expect to receive the
A due

due Reward of a general Detestation, as I doubt not a particular Satisfaction to myself and Family from the Justice of that *Honourable Court*, in which a Prosecution is already commenced. What has been mine, may another time be your own Cases, unless an exemplary Punishment equal to the Crime be now fixed on the Offenders. Think on the Apprehensions I must be under, deprived of *Liberty*, so dear to every *Britain*, and hurried from Wood to Wood, in a wild Forrest, without knowing but the next Tree that offered to my View, was designed for my Execution: A Wife at Home in Fainting Fits on this Occasion, and my Children and Friends fearing that *those Persons* who could go such Lengths to deprive a Corporation of the Privileges they have many Ages enjoyed, might find *private Means* to secure their Point, and myself from complaining.

That mine may be the last Instance of such arbitrary Proceedings in *Hampshire*, that every *Englishman* may enjoy his Liberty and just Rights, and that Heaven will bless this Nation in continuing, to the utmost Extent Nature is capable of, the Life of our most Gracious Sovereign King *GEORGE*, is my sincere and hearty Prayers.

Joseph

Joseph Hinxman, Esq;
 A N D
John Gennings, Gent. } Plaintiffs.

Richard Holoway, Defendant.

Mr. Holoway's Affidavit, Def. Jur.
 30 Septembris 1727.

THat he is one of the Burgeses of the Burrough of *Christchurch*, in the County of *Southampton*, and as such intituled to vote for Members to serve in Parliament for the said Burrough; and as he is one of the Inn-Burgeses, is intituled to vote for the Nomination of a Mayor for the said Burrough.

That about the 4th of *September* 1725, the said Plaintiff *Hinxman* agreed with this Deponent to pay him 30 *l. per Ann.* for his Life, in case he would vote for one *Samuel Hookey, Gent.* to be put in Nomination for Mayor of the said Burrough, on the 8th of the said Month of *September*, which this Deponent accordingly did, and the said Plaintiff *Hinxman* afterwards paid this Deponent at several times, 30 *l.* or thereabouts, in part of such annual Payments. That about the 10th of *August* last, *John Tar-*
rant,

rant, Gent. an Attorney at Law, who has acted as Under Sheriff for the said County for these thirteen Years and upwards, came to this Deponent, at his House at *Christchurch* aforesaid, and pressed this Deponent to give his Vote for Plaintiff *Hinxman*, and *Charles Wither*, Esq; for Members to serve in Parliament for the said Burrough; which this Deponent would not promise the said Mr. *Tarrant* to do: Nevertheless the said *Tarrant* forced this Deponent to take 100*l.* from him, and this Deponent signed some Receipt or Note for the same, which the said *Tarrant* took away with him: That Plaintiff *Hinxman*, or the said *Tarrant*, never demanded the said Sums of this Deponent, but on the contrary, this Deponent offered the said *Tarrant*, in the Town-Hall at *Christchurch* aforesaid, on the Election Day, to repay him the said *Tarrant*, the said 100*l.* which he refused to receive, telling this Deponent he had accounted for it already, and did not expect it again from this Deponent. That on Monday the 4th of this Instant *September* this Deponent was going from *Christchurch* aforesaid, to *Lymington* in the said County, and about eight Miles from *Christchurch*, at the House of *William Ireland*, at a Place called *Downton*, *Richard Harrison*, *John Wheeler*, two Bayliffs of the Sheriff of the County

County of *Wilts*, *John Teomans*, and *John Geare*, two Bayliffs of the Sheriff of the County of *Southampton*, *Giles Sandesford*, and *Abraham Geare*, two Bayliffs Followers, arrested this Deponent on two Warrants at the Suit of the said Plaintiffs, for the Moneys this Deponent so received of the said Plaintiff *Hinxman*, and for the said 100*l.* so received of the said Mr. *Tarrant*, on some Indorsement of the said Receipt, made by the said Mr. *Tarrant* to Plaintiff *Jennings*. That as soon as he was arrested he desired the said Bayliffs to stay with him but a very little time, and that he would send home for the Money to pay the said Debts, which the said Bayliffs refused to do, and then this Deponent offered to send immediately for two of his Relations that live within a Mile of the said Place where he was so arrested, *viz.* *James Clarke*, and *Christopher Clarke*, Gent. who are good Bail for 1000*l.* who would give Bail for this Deponent; but the said Bayliffs said they would accept of no Bail, but to carry him to *Fordingbridge* to the said Mr. *Tarrant*, and immediately hurried this Deponent away, and would not let him stay any longer, and this Deponent went with the said Bayliffs without much Compulsion, verily believing the said Bayliffs intended to carry this Deponent to the said Mr. *Tarrant's*

rant's at *Fordingbridge*, which is not above fifteen Miles; and this Deponent on his Way found Means to send to this Deponent's Son-in-law to come to *Fordingbridge*, to bring Money or Bail to this Deponent: But instead of carrying this Deponent to *Fordingbridge*, they carried this Deponent into the New Forrest near *Burley Lodge*, and there the said *Harrison* told the said *John Geare*, and *Giles Sandesford*, they should immediately go to *Fordingbridge*, and tell the said Mr. *Tarrant* they were coming, and then the said *John Geare* and *Sandesford* went from this Deponent, and the said *Harrison, Wheeler, Teomans, and Abraham Geare*, instead of carrying this Deponent to *Fordingbridge*, carried this Deponent thro' By-ways into *Wiltshire*, near *Sarum*, and from thence to a Place called *Sbervel Hatchet*, and kept this Deponent there all that Night, when this Deponent begun to think the true Reason of such arrests were to keep this Deponent from his Home till after the 8th Instant, which is the customary Day yearly for putting in Nomination a Mayor for the said Burrough, which are to be put in Nomination only by the Inn-Burgesies, whereof there are but Nine in Number, including this Deponent: And from *Sbervel Hatchet* the said Bayliffs forced this Deponent away by four a Clock in the Morn-

Morning, and carried this Deponent over Hedges, and through Coppices to avoid meeting Persons on the Road, to another Place unknown to this Deponent, and would not let this Deponent enquire the Name of the Place, and ordered the Persons in the House not to tell him where he was ; and after they had kept this Deponent there all that Night, they hurried this Deponent from thence to *Overton*, in the said County of *Southampton*, fourteen Miles or upwards beyond the Goal at *Winchester* for the said County of *Southampton*, but would not carry this Deponent to Goal ; and at *Overton* aforesaid they kept this Deponent all that Night, and then carried this Deponent the next Morning into *Berkshire*, or the Borders thereof, and kept out in Coppices and Woods all Day, and in the Evening carried this Deponent to another Place called *Barton Stacey*, near *Winchester* aforesaid, where they kept this Deponent all that Night, and the next Day about Noon, after the usual Hours of nominating Mayors at *Christchurch* aforesaid was over, they carried this Deponent to *Winchester* Goal, which is 25 Miles or upwards from *Christchurch* aforesaid, and left this Deponent in Goal with the Keeper thereof, who told this Deponent that the said Mr. *Tarrant* had told him the said Keeper, that this Deponent

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would

would be brought to him to Goal that Day about Noon; and this Deponent remained in Goal from *Friday* the 8th, to *Monday* the 11th Instant, until these Deponents *Edward Lisle*, Esq; and *William Blake*, Gent, executed two Bail Bonds to the said Actions; so that this Deponent was kept in Custody in private, not to be seen or found from *Monday* the 4th, till *Friday* the 8th Instant, and in Goal till *Monday* the 11th Instant, when this Deponent was discharged out of Custody on Payment of 5 *l.* 15 *s.* for Goal Fees, and Expences in Goal. Saith, that between the 5th and 6th Instant, at the said unknown Place, the said *Harrison* robbed and took from this Deponent Eleven Shillings to pay the Expence of the House; and the said Bayliffs all the time they so kept this Deponent in Custody, prevented this Deponent from speaking to any Person, or to send to his Friends and Family, or to give Notice where he was, and often told this Deponent, if they had not arrested him, they would have taken away one *Edward Boorne*, another Inn-Burges of the said Burrough; and the said *Harrison* several times told this Deponent, that the true Reason he was kept and carried about in this Manner, was to prevent his voting for the Election of a Mayor at *Christchurch*, and that when that Election

was

was over he should be at Liberty, but not before, and bid this Deponent be content therewith ; and this Deponent verily believes that the true Reason of such Arrest and imprisoning of this Deponent was to prevent his voting for Mayor of the said Burrough, there being four Inn-Burgesses of the said Burrough of one Side, and four of another, this Deponent being by the Means aforesaid absent, there could be no Mayor for the said Burrough legally chosen, as this Deponent apprehends.

Edward Lisle's, Esq;

AND

Mr. William Blake's

} AFFIDAVITS.

Jur' 30. Septembris. 1727.

SAY, that on Monday the 4th Instant, they were severally informed, that six or seven Bayliffs and Bayliffs-Followers, had taken up and arrested the said Defendant *Holoway*, one of the Inn-Burgesses of the Borough of *Christchurch*, in the said County of *Southampton* ; for some pretended Debt due, on purpose to keep the said Defendant from his own House, till after the 8th Instant, which is the customary Day of the Inn-Burgesses of the said Borough to put three Persons in Nomination,

for one of the three to be chosen Mayor of the said Borough, for the Year ensuing; and that *John Tarrant* of *Fordinbridge* aforesaid, Gent. who now is, and for thirteen Years last past, or upwards, has acted as Under-Sheriff for the said County, was Attorney for the Plaintiffs, and that the said Defendant was carried to *Fordingbridge* aforesaid, to the said Mr. *Tarrant's*, on which these said Deponents went to *Fordingbridge* aforesaid, on the 4th Day of this Instant, to the said Mr. *Tarrant*, and at the said Mr. *Tarrant's* House these said Deponents offered the said Mr. *Tarrant* to become Bail for the said Defendant to all or any other Actions that should be against him; to which the said Mr. *Tarrant* answered, he heard the said Defendant was arrested, and that he had ordered the Bayliffs to bring him to that Place that Evening, and that if the said Defendant came thither he would accept their Bail; or else he would not; and this Deponent *Lisle* then asked the said Mr. *Tarrant* if he objected against the sufficiency of these said Deponents Bail, for the said Defendant; who answered, he did not, and then the said Deponent *Lisle* said to Mr. *Tarrant*, that he understood it to be the right of every Subject of *England* to be bailed, if he could procure good Bail; to which the said Mr. *Tarrant*

Tarrant, said he did not dispute the said Deponent *Lisle*'s knowledge; but that he could not take Bail for the said Defendant at that time, and then this Deponent *Lisle* told the said Mr. *Tarrant*, that he and the said Deponent *Blake*, would attend at any Time and Place [within the said County, he the said Mr. *Tarrant* should appoint within twenty four Hours, to give Bail for the said Defendant, which the said Mr. *Tarrant* very well heard, as these Deponents believe, but gave no Answer to the same, that they staid at *Fordingbridge* expecting the said Defendant would have been brought thither to have Bail, till between Ten and Eleven a Clock that Night, but the said Defendant was not brought thither that Night, or any time afterwards, as these Deponents believe. This Deponent *William Blake*, says he went to several Places in and near the New Forrest, to enquire after the said Defendant, having Intelligence that he was carried into the said New Forrest by the said Bayliffs, but could not have any Intelligence of him afterwards; and the said Deponent *Lisle* saith, that he sent several of his Servants and other Messengers on Horseback, to enquire after the said Defendant, and had it publicly cry'd in most of the Market-Towns and other Places in the said County, and offered a

Re-

Reward of twenty Guineas, if any Person would discover where the said Defendant was, but could not have any Intellegence of him, from Monday the 4th Instant, until Friday Night late, the 8th Instant, when when this Deponent was informed, the Defendant was in *Winchester* Goal. Both these Deponents say they believe, that the said Defendant was so arrested, carried away and concealed from his Friends, and so refused to be bailed by the said Mr. *Tarrant*, and by his Contrivance to prevent the Defendant's being present at the Election of a Mayor for the said Borough of *Christchurch*, on the said 8th Instant, and on purpose to prevent the Election of a Mayor for the said Borough, and for no other Purpose whatsoever, and they are the more induced to believe the same, because the said Mr. *Tarrant* readily accepted of these Deponents for Bail, for the said Defendant, when the Nomination day for Mayor for the said Borough was past, tho' not before, and accordingly these Deponents were afterwards Bail with the said Defendant, in two Bail-bonds in the said two Actions to the said Sheriff of the said County of *Southampton*, and on which the Defendant was discharged accordingly, as these Deponents have heard and believe.

John

John Heather's AFFIDAVIT.

Jur' 21. Octobris. 1727.

THat the said *Richard Harrison* and *Abraham Geare*, with two other Bayliffs unknown to this Deponent, on *Wednesday* the 6th of *September* last, brought the said Defendant in their Custody to this Deponent's House (being an Inn at *Stoke*, in the County of *Southampton*) about Eleven a Clock in the Morning, and desired this Deponent to get them a Dinner, which this Deponent did, and afterwards in Discourse with the said *Geare* (as this Deponent is informed his Name is) the said *Geare* told this Deponent they were all Bayliffs except the Defendant, and that they had arrested him the said Defendant the *Monday* before near *Lynnington*, in *Com. Southampton*, and they were keeping him out of the Way till after the next *Friday* the 8th of *September*, for that the Defendant was a Burgess of the Burrough of *Christchurch*, in the said County of *Southampton*, and that the Burgesses of the said Burrough were to go to an Election of a Mayor for the said Burrough that Day about Ten a Clock, and that they the said Bayliffs were to keep the said Defendant out of the Way till that Election was over.

That

That after Dinner the said Bayliffs talked freely with this Deponent concerning the Defendant; and the Defendant himself told the said Bayliffs, if his Family at *Christchurch* knew where he was, he should have Two Coaches and Six Horses sent after him to bring him home to the said Election; and the said Defendant offered the said *Harrison* to give him One Hundred Pounds, or One Hundred Guineas, to let him be at Home at *Christchurch* the *Friday* following, by Ten a Clock, that he might be at the Election of a Mayor for the said Burrough; to which *Harrison* replied, he would not betray his Trust for Five Hundred Pounds. And then this Deponent told the said Bayliffs, he thought they could not justify keeping the Defendant so long in their Custody, or carrying him beyond the County Goal, this Deponent's House being Ten Miles beyond the said Goal; to which *Geare* answered, they had their Warrants from such Persons as would justify their keeping him a Week or a Month.

Mr. John Purdne's AFFIDAVIT,
Jur' Eod. Die.

THat on the 8th of *September* last, between Eight and Nine in the Morning, this Deponent went to the common Goal

Goal at *Winton*, in and for the County of *Southampton*, and enquired of Mr. *Tho. Skeate*, Keeper of the said Prison, if the Defendant was in his Custody, who answered he was, and the Deponent then told the said *Skeate*, he would pay the Debt presently, let it be what it wou'd; to which *Skeate* answered, he would not release the Defendant, without an Order from the Under-Sheriff; and the Deponent then told the said *Skeate*, that Dr. *John Dobson*, Warden of *Winchester* College and the Deponent, would give the said *Skeate* Ten Thousand Pounds Security, to save him harmless; to which the said *Skeate* replied, it was as much as he was worth if he did it, or to that effect.



C

A SHORT



A SHORT
NARRATIVE

Of the PROCEEDINGS at

CHRISTCHURCH,

ON THE

Election of Members of Parliament,
and afterwards of a Mayor for that
Borough.



THE 18th of *August* being appointed for the Election of Members of Parliament for the Burrough of *Christchurch*, Mr. *Ember*, an Attorney of *Winchester*, one of the Out-Burgeses, presided as Returning Officer, the Under-Sheriff being pleased to direct the Writ to him, and not to the whole Body, contrary to the express Orders in Writing of the High-Sheriff, and contrary to common Usage in Cases where no Mayor or Bayliff is in Being:

A

A Copy of the Poll, as he delivered it to Mr. *Hooper* and Mr. *Banks*, is hereunto annexed; but notwithstanding the Majority stood on his own Books for those Two Gentlemen, he thought proper immediately to declare Mr. *Withers* and Mr. *Hinxman* duly elected: All the Persons on the Poll had been made Burgesses many Years, and voted as such at several Elections. However, as they voted, Mr. *Ember* ordered the Clerk to put a Query on four of them; the Reason for querying which Number, you will see by the Numbers which voted for each Candidate: He well knew their Right of voting would not bear a Dispute, so would not suffer any Debate on that Subject; but on the Copy of the Poll he delivered, he wrote at Bottom: *Note*, "The
 " four queried Votes *appeared* not to be
 " good Votes." The Writer of these Papers would not suppose a good Benefice which his Son was immediately after presented to by a great Man cleared his Understanding; but certain it is, it *appeared* so to none but Himself.

As the Particulars of this Election will soon be laid before the Representatives of the Nation, I shall enter no farther into the Merits of it, but proceed to the Election of the Mayor.

The customary Usage has been for the Burgesſes inhabiting within the Borough, to meet on the 8th Day of *September*, to nominate three Perſons to be returned to the Populace, for their fixing on one of the Three, to be Mayor the following Year. They had had very Learned Opinions, that the Statute of the 11th Year of King *George* for quieting Corporations, had in their preſent Circumſtances authorized and appointed them to meet the 9th, inſtead of the 8th, their customary Day for this Purpoſe. However, the Burgeſſes who deſigned voting for Mr. *Forbes* and that Liſt, being aſſured that theſe in the Intereſt of Mr. *Hookey* and his Friends, intended to meet on the 8th, thought too much Caution would do no Harm, and that if the others did meet and nominate on the 8th, they would, tho' they reſolved to meet and nominate on the 9th alſo, and which they then openly declared in the Town Hall. On the 8th of *September*, about Ten in the Morning, his G---ce of B---n, Ld. H---y, Ld. N---w, and Ld. W---m P---l---t, with Mr. H---m-n and Mr. W---thb---s entered the Town attended by all the Keepers of the New Forreſt in their Green Liveries, each Keeper bringing with him four Men on Horſeback, armed with Clubs: The whole Corps conſiſting of about Six Score

Score and Twelve Persons, it may easily be imagined the Uproar the Town was in on this extraordinary Proceeding; but by the good Management of some Gentlemen present, to whose Advice and Persuasions the Inhabitants submitted, all Disturbances and Pretence of Riots were hindered; tho' the Populace was so enraged, that the ringing the Bells backwards when this Cavalcade left the Town could not be prevented. Mr. *Holoway* being carried away and concealed, who had declared his Intentions of voting for Mr. *Forbes* and that List, there appeared Eight Burgeses in the Town Hall, Four of which nominated Mr. *Forbes*, and Four Mr. *Hookey*; but one of the Four who voted for Mr. *Hookey* having for some time lived out of Town, and put his House as to Parish Dues on the Foot of being uninhabited, is supposed to have no Right to vote in the Nomination of the Three Persons. On the 9th Four of the Burgeses met again at the Town Hall, and nominated Mr. *Forbes* and that List to be proposed to the Populace, no Person appearing for, or demanding the Nomination of Mr. *Hookey*, and on the 14th, the usual Day for the Populace to elect, above Three Parts in Four of the Inhabitants of the whole Town polled for Mr. *Forbes*, who the first Leet Day after *Michaelmas*, was presented by

by the Jury to the Steward of the Mannor duly elected, and according to Custom, sworn Mayor for the Year ensuing.

P O S T S C R I P T.

Mr. *Holloway* being bail'd, and returned to his House at *Christchurch*, before the Populace Elected the Mayor, declared to them, that had he not been so illegally kept away, on the Day of Nominating the three Persons, he should have Voted for Mr. *Forbes* and that List, and he being the Senior Burgefs presided at the Election on the 14th September.

It has been given out that Mr. *James Stephens*, who Poll'd for Mr. *Forbes* was not a legal Vote, on account of his being made a Burgefs before he was of Age of One and Twenty, tho' the Fact is not admitted, yet if true, and the Courts of Law should be of Opinion there is any weight in the Objection, Mr. *Thomas Jeans*, who voted for Mr. *Hookey*, will be proved to be under Age, when made a Burgefs and, not since farther Qualified.

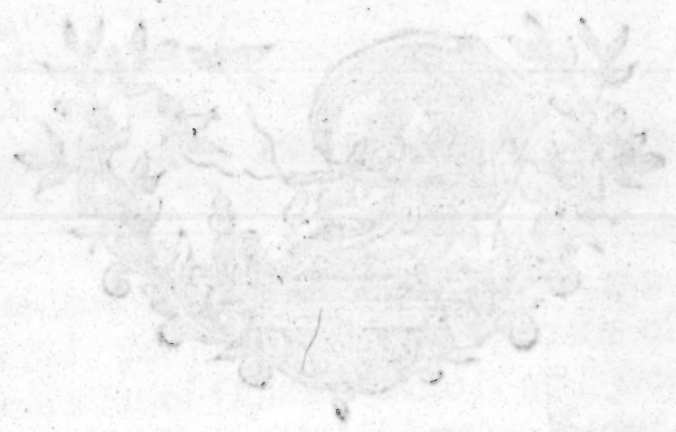
Mr. *Handcock*, who was the Manager for Mr. *Hookey* and that List, was not the Senior Burgefs present in the Town-Hall, at the meeting on the 8th of September, so could have no Pretence of acting

ing but as one of the Number; if he had in Fact, been an Inhabiting Burgefs, but being under a Prosecution for a vast Sum of Money, of which he is accused to have defrauded his Majesty's Customs, he might perhaps flatter himself with getting *some Recommendations* by so extraordinary a Proceeding.



A POLL

ing but as one of the Number; if he had
in fact, been an Inhabiting Burgess, but
being under a Prosecution for a vast sum of
money, of which he is accused to have
debanded his Majesty's Customs, he might
perhaps enter himself with getting some
proceeding by to extraordinary.



A POLL

A POLL taken this
1727. for Members to serve
the Borough of CHRISTCHURCH
of SOUTHAMPTON.

BURGESSES.

Mr. Mat. Imber	_____
Mr. Tho. Stevens	_____
Mr. John Hancock	_____
Mr. Richard Ewre	_____
Mr. Samuel Hookey	_____
Mr. Joshua Stevens	_____
Francis Gwyn, Esq;	_____
Henry Portman Seymour, Esq;	_____
William Forbes, Esq;	_____
Mr. Richard Holoway	_____
Q. Mr. James Bullock	_____
Q. Mr. Edward Booren	_____
Mr. Thomas Jeans	_____
Mr. John Burfey	_____
Mr. William Newsham	_____
Mr. Ferdinando Young	_____
Q. Mr. James Stevens	_____
Q. Tho. Chaffyn Marks, Esq;	_____

A True COPY,

Mat. Imber, Sen. Burgefs.

this 18th Day of *Aug. A. D.*
 to serve in the ensuing Parliament for
 STCHURCH TWYNEHAM, in the County

Hinxman.	Wither.	Bancks.	Hooper, Esqrs.
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6	7	8	9

N. B. The Four Votes above
 Queried, appeared not
 to be good Votes.